

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NICOMEDES TUBAR, III,

No. C05-1154JCC

Plaintiff,

v.

JASON CLIFT; and THE CITY OF KENT,
WASHINGTON, a municipal corporation.

Defendants.

**Supplementary Declaration
of
D.P. Van Blaricom**

D.P. Van Blaricom declares as follows:

1. I am of legal age, competent to testify, and have personal knowledge of the facts set out herein.

2. I made an earlier declaration in this matter and all of my opinions stated therein remain the same.

3. By way of clarification, however, I would further state the following additional facts:

a. My use of the term "*probable cause*" is not an attempt to state a legal opinion and is simply a recitation of my training and, wherever that term is used, the lay word "*reason*" may be substituted:

b. I have never claimed to be an "*accident reconstructionist*" but, as explained in my earlier declaration, I have been trained as a shooting reconstructionist and have routinely practiced that skill in my review of over 256 officer-involved shootings:

1 c. As regards Joseph Fountain's declaration, wherein, he states that I "do not
2 acknowledge recent police shooting research on the very real perception and
3 reaction delays in human performance":

4 1) I can only presume that he refers to the studies by William J. Lewinski,
5 Ph.D,

7 2) I am not only aware of those studies, I have attended training by the
8 author thereof as recently as February 13, 2006,

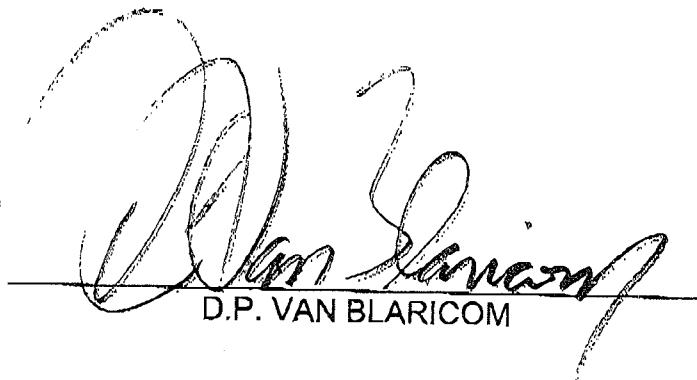
9 3) Those studies and my training therein, however, do not affect my
10 opinions in this officer-involved shooting.

11 4. I am prepared to testify to these opinions in deposition or at trial, if called upon
12 to do so.

13 5. If I am provided with further documentation for my review, I may have
14 additional opinions.

15 I declare under penalty of perjury of the laws of the United States that the
16 foregoing is true and correct.

17 Executed this 18th day of April 2006 at Bellevue, Washington.

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D.P. VAN BLARICOM

1 HON. JOHN C. COUGHENOUR
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9 AT SEATTLE

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13 Defendants.

14 No. C05-1154 JCC

15 SUPPLEMENTARY DECLARATION
16 OF
17 D. P. VAN BLARICOM

18 CERTIFICATE OF SERVICE

19 I hereby certify that on the 18th day of April, 2006, I electronically filed the foregoing
20 with the Clerk of the Court using the CM/ECF system which will send electronic notification of
21 such filing to:

22 Steven L. Thorsrud
23 Mary Ann McConaughy

24 sthorsrud@kbmlawyers.com
mmcconaughey@kbmlawyers.com


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Rebecca Talbott
Paralegal